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edited by Burton Hall

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AUTOCRACY AND INSURGENCY IN ORGANIZED LABOR

Edited by

BURTON HALL

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Introduction

BURTON HALL

This is a book about the labor movement viewed from inside the unions. Its authors are union members and other persons active, in one capacity or another, in union affairs. The concern of the essays collected here, however, is not merely with the mechanics of union operation or of union representation, but with unionism itself. The authors examine the problems of unionism; they report on union struggles in which they, themselves, are directly involved and they explore problems that affect the labor movement as a whole. Their purpose is not only to interpret the unions philosophically but to change them into what unions ought to be: workers' organizations run by workers to serve workers' interests.

The essays appeared originally in *New Politics* over the past ten years; with few exceptions, within the past five. To the student of politics and of labor affairs, the collection seeks to offer a full, or nearly full-length view of the unions: it may serve him both as informative eye-opener and as a useful text. But more important, this collection seeks to give the active trade unionist a broader understanding of the struggles in which he finds himself engaged by viewing them in terms of the similar struggles of other workers in other industries and unions.

If there is one theme running through the book as a whole, it is what Sylvia Kopald, writing nearly half a century ago, described

with some astonishment as "this amazing separation that exists between union leaders and union rank and file."[1] What she was referring to was not merely the contrast between the material conditions of the leaders and of the rank and file. Primarily, she drew attention to the conflicts between leaders and ranks—and to the way in which such conflicts took on the aspect of actual class struggle, with even rival leaders uniting to fight off, with all the power and violence that entrenched machines can command, any challenge from the rank and file.

The same emphasis is still required. It is interesting but not enough to know that National Maritime Union chief Joseph Curran, for example, draws a salary of more than $100,000, or that he maintains estates in Dutchess County, New York and Boca Raton, Florida, or that he rides around in an NMU-supplied limousine driven by an NMU-salaried chauffeur—while NMU members, workers in a declining and low-paying industry, are barely able to support themselves and their families. Or to know that retired Ladies' Garment Workers' Union president David Dubinsky enjoys his golden years on a $25,000 per-year pension plus a union-supplied limousine while retired garment workers struggle to survive on pensions of $714 or $900 per year (depending upon whether they retired at age 62 or 65).

More to the point is the conflict between "leaders" and "led." The "separation" is revealed when one discovers that when NMU members complain to President Curran that their wages are too low, Curran replies that they earn too much; that when garment workers struggle for a better living they find themselves fighting not only their employers but the union itself, for the ILGWU actively combats on behalf of the employers all pressure to raise wages and pensions to decent levels. And when rank-and-file coal miners, workers in the nation's most dangerous non-military industry, demand protection for their safety and health on the job, they find the whole might and power of the union turned against them.

Or consider the legislative front. In March 1971 when an extension of the Economic Stabilization Act of 1970—a law ostensibly designed to permit regulation of prices, rents and virtually every other economic category but in reality used only to permit a presidential "freeze" on construction workers' wages—was proposed in Congress the AFL-CIO lined up *behind* the proposal: not one

congressman linked with Labor voted against it.[2] And whenever legislation to protect the democratic rights of union members is proposed, the political might and fury of the entire Labor establishment is invariably mobilized in opposition.

These, one might say, are peaceful expressions of the "amazing separation." The murder of Jock Yablonski and the multiple skull fractures suffered by NMU dissident James Morrissey as the result of beating just outside the "Joseph Curran Building" may serve as reminders that there are more violent expressions. The interests of union officials in America, almost as a class, appear to be in conflict, sometimes rough and violent conflict, with the class interests of rank-and-file workers.

But why is this "amazing separation" so much more marked in the United States and, to a lesser extent, in Canada, than in other nontotalitarian countries? Is it because corruption is more endemic to American than, say, to European business life? Is a Fred Ferrara or a Martin Rarback simply a product of the bribery customary in American business or are they and others like them corrupted by the institutionalized system of labor relations that prevails in the United States and Canada?

One interpretation that has interested me would regard the legal and contractual pattern of American labor relations, so unlike anything that exists outside North America, as at least a significant part of the explanation. Both before and after the adoption of the Wagner Act, American labor law has placed employers in a position to dominate the nature and drift of union policy—not directly but through the dependency of union officials upon the employers' good will. Before 1935, the employer was free to set up a union of *his* own choosing and require his employees to join it; or he could select a union pleasing to him—one, let us say, that excluded "non-Caucasians" from membership and thus from employment and which abjured strikes—and enter into binding contracts with it. Since 1935, the practice has been more complicated. But it remains true that the leader in autocratic control of his union has more need for the employer's "goodwill" than he does for the support or respect of his union's membership. Once the union attains legal authority as the "exclusive bargaining representative" of the 26,000 workers in 200 New York City hotels, for example—who together comprise a single legal "bargaining unit"—it becomes reasonably clear that

neither the union nor its leaders will ever be ousted by a rebellion of these dispersed rank-and-file workers. But they *could* be ousted by an organized expression of employer displeasure. So whose displeasure is most to be feared and most to be avoided?

At any rate, the basic features of the American "system" of labor relations have been looked upon by the system's more eminent defenders as guarantors of just that kind of "harmony" and "stability" that employers desire: i.e., the kind that gives employers the upper hand. Not long ago, Theodore Kheel, one of the better-known American labor arbitrators, visited Great Britain and delivered to the American and foreign press his wisdom on what the British should do. Britain, he said, should adopt the chief features of American labor contract. That way it would attain "productive stability." It should adopt five features in particular. British employers, he said, "should give exclusive recognition to the union with majority representation; should have contracts for fixed terms; should have no-strike clauses in the contracts; provide for binding arbitration of disputes under the contracts; and should mandate legal enforcement of the contracts."[3] If Britain were to adopt these features of American labor relations, he implied, then perhaps it would become "Americanized" in the sense of a much greater degree of labor peace. He did not bother to add that, for the same reasons, Britain might also enjoy as much corruption, racketeering and "sweetheart" dealing between employer and corrupt union leader as America now enjoys. And that British workers, struggling for better living and working conditions, might find their union leaders confronting them as enemies, as allies of their employers–just as American workers so often do.

To what extent does this situation represent the desires of those who control American business and government? Probably only so far as the betrayal of union members by union leaders does not involve the actual exchange of money. So long as the union leader is merely friendlier to the employer than he is to the union rank and file, and is not actually in the employer's pay, their relationship has the approval of official society. And that seems only natural. The policy of protecting the interests of workers set forth in the preamble of the Wagner Act has always been looked upon by those hardheaded realists who may be presumed to be privy to the views of our governing class as being distinctly subordinate to the other

policy, also stated in the preamble, of minimizing industrial "strife."

The latter policy, obviously enough, aims at corroding the adversary relationship that is presumed to exist whenever two groups bargain with each other through designated representatives. And to corrode that adversary relationship is to pervert the meaning of bargaining. That things haven't gone quite so far in the bulk of American industry is obvious: there are still more union representatives (though far fewer than there were years ago) who fight, or intend to fight, for the workers they represent than there are those who consciously sell such workers out. But since the workers, as a rule, have had little or nothing to do with selecting their "exclusive bargaining representative" and have little or no chance of replacing it, there is every reason to suppose that the practice of collective bargaining in the United States will drift in precisely the direction suggested above; indeed, as we have been trying to suggest, that drift is already noticeable.

When the friendship between employers and union leaders goes beyond sentiment, however, and develops a pecuniary basis, then it would appear to exceed even the official government policy of avoiding industrial "strife." This, at least, is how the Senate investigating committees have appeared to look at the matter when evidence of widespread corruption in union-employer dealings has been presented to them. Congress's remedy, proposed as the "Kennedy-Ervin" bill and adopted as the "Landrum-Griffin" act, provides, among other things, for fair union elections. It sets forth a list of electoral rights and provides that whenever any of these rights has been violated, the Secretary of Labor shall have the power to bring suit (if he chooses to do so) and to have the election set aside. Such an act might portend a reform of substantial proportions if only the relationship between the Secretary of Labor and the officials of the major unions was such that it permitted effective regulation of the latter by the former.

However, nobody has ever imagined that the relationship between union leaders and the Secretary of Labor was an adversary one. One of the customary functions of Labor department officials and especially of those charged by law with the duty of protecting union members' rights to fair elections, is to make speeches at union conventions proclaiming their unfaltering friendship for the union's leaders. They are rarely if ever called upon to proclaim their interest

in rank-and-file union members battling the leaders: if they actually did proclaim such interest, nobody would believe them. In the course of a losing oral argument to the Supreme Court, I once remarked that the rank-and-file union member who appeals to the Secretary against the union leaders feels that he is appealing to the ally of his enemy to protect him against his enemy. Justice Arthur J. Goldberg, who had only recently left the Labor secretaryship, leaned forward and pointedly asked: "Do you think that helps your case, Mr. Hall?" Obviously it did not—but the statement remains true and inevitably so. Yet, the law bars union members from complaining of stolen union elections to any court or agency other than this very friend of the officials he is complaining against. It is doubtful that legal recourse has ever been sought through less promising auspices. Nor have many reforms emerged.

For all these reasons and more, it is tempting to repeat the condemnation that Eugene V. Debs delivered in 1905. "To talk about reforming these rotten graft-infested unions," wrote Debs, "which are dominated absolutely by the labor boss, is as vain and wasteful of time as to spray a cesspool with attar of roses."[4] Debs, however, wrote at a time when it seemed possible to sweep all these "rotten graft-infested unions" aside and build a new labor movement entirely outside the existing union establishment. The Industrial Workers of the World had just been organized and was pledged not only to a revolutionary program but even more important, to a program of industrial and democratic unionism that would unite all the workers in each industry and, through a departmentalized structure, the workers in all industries. "It makes no difference what your color, creed or sex or kind," one of the more popular Wobbly organizing songs went: "If you're a worker then it's pitch right in and join!" (And this at a time when every major AFL union except the United Mine Workers either excluded Negroes absolutely or discriminated against them within its structure.) Debs could easily scorn the corrupt unions when he could hope—and urge workers to share his hope—to see them all replaced by the rank-and-file democracy of the IWW, a democracy so open that it would not permit corruption to exist.

That hope might have come true if the Justice Department in the fall of 1917 had not used the IWW's opposition to war and militarism as an excuse to raid its offices, to throw more than 300 of

its leaders in jail and, by force and violence, to reduce it from a mass movement to a minor radical sect. Something approaching that hope actually did happen in the 1930s and early 1940s when millions of unorganized workers rebelled, demanding unionization, and were encouraged in their rebellion by the fact that the new CIO unions that came into existence during those years were genuinely different from and more decent than the old AFL unions.

But the fact is that today there is no similar prospect of a new labor movement growing up outside of or independent of the existing unions. This may be taken as the reason why, in the essays that follow, the authors do not express such grand and overpowering contempt for the "rotten graft-infested unions" as did Debs. Whether we think that there is or isn't any practical possibility of reforming them, we are compelled to remember that the struggle is inside them.

"Only one thing is certain," Sylvia Kopald wrote at the end of her book in 1923, after describing in painful detail how four major rebellions of the union rank and file—of miners, of railroad workers, of printers and of web pressmen—had been crushed by the power of entrenched officialdom. "The fight within the unions is on. . . . Behind the conservative officials is the power of official machines. Behind the radicals is the trend of the times. The outcome remains to be written."

The fight is still on and the outcome still remains to be written. Some reports on the progress of the struggle are contained in the essays collected here.

1. Sylvia Kopald, *Rebellion in Labor Unions* (New York: Boni and Liveright, 1924), p.2.

2. In his novel *Fontamara*, Ignazio Silone described how Italian peasants saw the coming of Fascism:

> At the Fucino they had put up the rents of the smallholders and lowered the rents of the big proprietors. That was clear. But the proposal to do this had been made by the representative of the poor peasants and that was not so clear.
>
> Each one of our misfortunes, examined separately, was not new, for similar misfortunes had often happened in the past. But the way they befell us was new and strange.
>
> The whole thing was absolutely beyond our understanding.

In mid-August 1971, President Nixon by Executive Order imposed an absolute 90-day freeze on all workers' wages—coupling it with the

all-but-empty pretense of a like freeze on prices. Workers' incomes were thus kept down while in fact prices, and business incomes, continued to rise. Nixon's discretionary and almost unrestricted power to impose a freeze "as he may deem appropriate" on prices, rents, wages and salaries was given him by this very same "Economic Stabilization Act." That also was, and is, clear. But the passage of the "Economic Stabilization Act" had been advocated most energetically by George Meany and the AFL-CIO—i.e., by the representatives of the largest body of organized workers—and that is not so clear.

After the 90-day freeze was announced, Meany insisted that when he had called for a freeze (under the slogan of "wage-price control") he had meant something different, a freeze on profits as well. That appears to have been an afterthought on his part, since he had never mentioned "profit control" before and no suggestion of it is contained in the Stabilization Act. But even that token degree of opposition soon faded; Meany, along with the top officials of the Auto Workers, the Machinists and the Teamsters unions, even accepted membership on Nixon's "Phase 2" freeze board. And Meany has, since the freeze was imposed, publicly hinted that, under certain circumstances, he might support Nixon for re-election.

Such misfortunes as these—namely, frozen wages during a period of constantly rising prices—are not new. But the way they have befallen American workers this time seems new andd strange--though not so new or strange perhaps, to someone familiar with the matters reported in the essays that are contained in this book.

3. *New York Times,* June 26, 1968.

4. Quoted in Philip Foner, "The Industrial Workers of the World," Vol. 4 of his *History of the Labor Movement in the United States,* (New York: International Publishers, 1974) p. 62.

I: THE FIGHT WITHIN THE UNIONS

Miners for Democracy

CLARICE R. FELDMAN

Hundreds of miners gathered in the Immaculate Church in Washington, Pennsylvania on January 9, 1970 to bury Jock Yablonski, his wife, Margaret, and his daughter, Charlotte. But for them and the Yablonski family and friends, few others attended: Congressman Ken Hechler, who had supported Jock; Joseph Rauh, Jock's lawyer and friend; and Doctors Don Rasmussen and Hawley Wells, who had alerted miners in West Virginia to the dangers of coal workers pneumoconiosis and who had helped them in their battle to have legislation passed to reduce the incidence of the disease and compensate its many victims. Except for Marion Pelligrini, a subdistrict board member in District 5, Jock's home district in southwestern Pennsylvania, there were no United Mine Workers' of America (UMWA) officials present. Ken and Chip Yablonski, Jock's surviving sons, had issued a statement earlier that no UMWA officials were to attend the funeral. No labor organization bothered to send an official representative.

At the rear of the church before the mass, Joe Rauh consulted with the remaining miners who had joined Jock as co-plaintiffs in the suit filed the previous month which charged the UMWA's top officials with misappropriation and misuse of millions of dollars of UMWA funds. All but one of the men said they wanted to press on with Jock's fight, and even the lone dissenter changed his mind when

his grief at this enormous tragedy had passed. Outside in the parking lot there were many cars bearing Jock's orange and yellow campaign stickers, "It's time for a change" and inside Msgr. Charles Owen Rice, Pittsburgh's "labor priest" who had married Jock and Margaret said, "There will always be evil men but there will always be men who dare. Idealism will not vanish. Peace shall come to the coal fields."

But on the icy hill where three caskets were lowered into the frozen ground and we all huddled together for warmth, the predominant feelings of shock, grief, anger and fear left little room for the hope and idealism Father Rice had meant to inspire. The killers had not been apprehended, and everyone who had worked for and believed in Jock was apprehensive. In the eight months prior to Jock's death we had come to know how insurmountable a struggle to reform a union can be when the union can utilize its manpower and tremendous resources to crush it—and when the government stands by in surrealistic indifference to pleas for assistance and protection. How much harder it would be now without Jock's leadership.

Later we returned to the church basement for hot coffee, and while most of the mourners ate a lunch prepared by the ladies of the parish, some 200 coal miners from Kentucky, Illinois, Ohio, Pennsylvania, Virginia and West Virginia met with Joe Rauh in a small classroom in the adjoining school to discuss the future of the reform movement which Jock had led. They talked about safety in numbers and about the importance of continuing what had begun on May 29, 1969, as the first real democratic challenge to the UMWA's leadership in over 30 years. More men asked to be named co-plaintiffs in the suit, and considering the fate of the man whose name had led the list and his family it was no small show of bravado.[1]

Afterward, Charles Washlack, a miner, was heard to say, "This movement is stronger now than when Jock was living. Joe opened the door. We would have been out of our minds to close it now."

So, in a sense, Miners for Democracy (MFD) was born on the day they buried Jock. But it wasn't until April 1, at a memorial service for Jock, that the group was officially organized and its officers elected. In the interim, Mile Trbovich, a miner who had been Jock's campaign manager, acted as its chairman. He filed the official

challenge to the UMWA election with the Department of Labor. Later, on February 10, after the opening of the hearings of the Senate Labor Subcommittee, where Chip, and miners Louis A. Antal, Bill Savitsky and Karl Kafton testified about the election violations, kickbacks, blacklisting of dissidents, misuse of union funds and the violence and fear in the coal fields, Trbovich tried to win the support of organized labor. He sent a telegram to George Meany at the AFL-CIO convention in Bal Harbor, Florida, stating that the corruption and tyranny within the UMWA were now a matter of public record, that organized labor should "clean its own house without Senate or Administration interference," and asked to be allowed to send an MFD delegation to "appear before and enlist the aid of the AFL-CIO council in cleaning up the UMW."

He received no official answer, but the next day Walter J. Mason, legislative director of the executive council of the AFL-CIO's Building and Construction Trade Department, told reporters, "As a direct result of the controversy surrounding the recent United Mine Workers election and related events, it appears likely that the historical enemies of labor will use these events as a justification for an all-out effort against the labor movement."

Sometime later, when Stanley Levey of Scripps-Howard asked Meany about the Trbovich telegram,[2] he responded that he had not answered it because, "The AFL-CIO traditionally has refrained from intervening in the internal affairs of its own affiliates, let alone outside organizations."[3]

In this deliberate rebuff to Trbovich, organized labor made its position crystal clear: they would not help and they did not want the Senate or any government agency to do anything either. Only Walter Reuther dared to break this solid front. After the bodies were found, he declared that this was a horrible tragedy and the federal government should investigate immediately.[4]

About one month later, the Department of Labor announced that it was bringing suit to upset the Mine Workers election and filed a lengthy complaint, echoing the charges made many months before when we had repeatedly and unsuccessfully begged for its assistance. Most of the evidence to support those charges had been spoon-fed Labor by the dissident miners and the college students who had blanketed the coal fields in December to act as election observers. The Department of Labor had, at long last, been forced to act, but it

would take its time in prosecuting this suit which was of vital importance to all of us. The case has yet to come to trial; indeed, the motion for a preliminary injunction to compel the UMWA to maintain adequate books and records which was filed on the same day, March 5, 1970, has not been heard although such proceedings are normally scheduled for hearing within weeks.[5]

In the meantime, as the Senate investigation plodded along, it became clear that in a union of about 190,000 members residing in 25 states and four Canadian provinces, there could be no opposition without an organized opposition party. So, on April 1, the Miners for Democracy Steering Committee was organized in Clarksville, in the basement of a church a few blocks from Jock's now-abandoned and boarded up home. The Steering Committee returned to the districts and organized district-wide MFD organizations. To sustain themselves and to finance the publication of their own newspaper, *Miner's Voice* (they have been excluded from the UMWA's official newspaper which still operates after the 1969 election as a Boyle campaign instrument), they organized raffles and fund-raising events. To supplement this, representatives speak at college campuses and elsewhere, turning over all honoraria to MFD.

Although the Mine Workers *Journal* was warning the men of dangerous "outsiders" trying to take over their union and of the necessity of pulling together behind their leadership, the first evidence that the UMWA leaders were frightened of MFD came in early 1970 when the District 5 officers announced the convening of a Constitutional Convention. Knowing that they would try to stack the convention with delegates from "bogus" locals–locals which contain less than the ten working coal miners required by the UMWA Constitution and which are solely or primarily comprised of easily intimidated pensioned miners who can be counted on to ratify the incumbent's wishes–MFD members went to court to attempt to force the District officials to disband those locals and to keep delegates from those locals from voting at the convention.

The Court refused to grant the injunctive relief we asked for, and with the votes from those delegates, the incumbents were able to have passed resolutions condemning MFD and those who had instituted the pre-convention suit, preventing the posting of "scurrilous or campaign material" on mine bulletin boards, and requiring local union officers to post all official communications

from the incumbents on these same bulletin boards. In addition, the district was gerrymandered to load up rebellious subdistricts with passive, pro-incumbent pensioners, and, for the first time, the convention adopted a provision permitting absentee balloting.[6]

The International Constitution expressly forbids absentee voting except in very limited circumstances. The districts have always read this provision as applicable to district elections, and the members acting at International UMWA Conventions have consistently rejected efforts to amend the Constitution to permit it. On this ground District 5 dissidents sought Court intervention to enjoin the District officers from carrying out the absentee balloting provision which, inter alia, gave them the sole possession of the marked ballots for as long as a month. The Court rejected this effort on the ground that the Secretary of Labor had exclusive jurisdiction of the matter under *Calhoon* v. *Harvey*.[7]

Although it had lost this suit, MFD entered the important District 5 election–it is the largest UMWA district which elects its own officers–with a number of plusses. It had been able to bring about the withdrawal of the President's nominee for the position of the Director of the Bureau of Mines by demonstrating his close ties to the coal industry and the probability that he would not bring to the job the firm determination to enforce the new federal Coal Mine Health and Safety Act which the UMWA, the coal operators and the Department of Interior's own officials had succeeded in gutting.[8]

When it had become clear that the Bureau of Mines was not conducting the weekly spot inspections of "especially hazardous mines" as required by law, MFD informed the men of their right to have these inspections. Angry coal miners, who are presently dying in the mines at a rate of one every other working day (a rate higher than that in 1969 before the new Safety Act became effective), walked off their jobs. District 5 President Budzanoski said MFD was fomenting the strikes as a "political move to embarrass the union." This was not MFD's motive–it had merely wanted the new law enforced–but the union's response to the safety walkouts no doubt did prove an embarrassment to its leadership. District officers publicly ordered the men to return to work, and after the companies subpoenaed hundreds of men to appear in Court the following morning in order to stop the walkouts, the union's lawyers represented to the Court that there were no safety problems in the

mines and tried to work out orders against individual miners and local unions whom they did not represent.

Chip Yablonski was asked by these men to represent them and he took an emergency appeal to the United States Court of Appeals for the Third Circuit where again the union's lawyers tried to undercut the case, claiming it was only a political move by the dissidents, that the mines were no more dangerous than they had ever been, that the Bureau of Mines was understaffed and its failure to inspect should be excused and that there was not even any reason to expedite the appeal. Within days, the Court indicated that it was rejecting the union's and the companies' contentions: it reversed the lower court's decision summarily and remanded the case for a full hearing on safety problems in these mines.

Shortly afterward, miners in West Virginia walked off their jobs in support of disabled miners and widows of miners who were receiving no benefits from the union's grossly mismanaged pension fund.[9]

When word of the announced strike reached the union's vice-president, George J. Titler, then picnicking on the lawn of District 29 headquarters, he said the disabled miners' demands were "like a child asking for the moon." One miner responded, "We done got the moon, what we'd like is a hospital card." The strike led by a disabled black miner, Robert Payne, was crushed in time by union scabs and dozens of injunctions. Payne and others were jailed for reportedly violating injunctions against picketing but not before tens of thousands of miners had joined the strike in its July through mid-August duration. When Payne was released after 14 days' detention, he said, "We are going to keep on fighting for the things that are right." MFD played no official part in this strike but had indicated its sympathy with the strikers and the disabled miners, and the strike, which was openly directed at Boyle, revealed miners' growing disaffection with his leadership.

In addition, the President and Secretary-Treasurer of District 5, Michael Budzanoski and John Seddon, had been indicted for conspiring with four members of the district's executive board to file false vouchers in order to obtain funds from the union's bank account. (The money was to go to Boyle for his 1969 reelection campaign, and we had brought this matter to the attention of the departments of Labor and Justice about a year before.)

But in spite of the strike, the union's bungling of the Lucas

nomination and the safety walkouts, and the indictments, MFD had many problems with respect to the District 5 election.

Foremost among these was the fact that the International Executive Board had established a "dual unionism" commission to look into the affairs of MFD and had launched a major publicity campaign to the effect that MFD was a dual union and anyone supporting it could be expelled from the union. Given the fact that the organized coal mines operate under a union-shop policy, expulsion from the union would mean loss of employment, and consequently many miners feared to associate publicly with the MFD slate of candidates or even to distribute its literature.[10]

Second, Boyle had "maced" all of the UMWA's considerable staff for contributions to the Budzanoski campaign and, of course, all of the staff-heavy District 5 offices and personnel were put to work full time on the campaign. (MFD candidates, all working miners, had been forced to take off from work at no pay to carry on the closing stages of the campaign.)

Third, pensioned members outnumbered working miners in District 5 and could be counted on to vote for the incumbents to whom they feel they owe their pensions.

We complained repeatedly to the Department of Labor about the illegality of the dual unionism commission; the unlawful absentee balloting provision; the continued misuse of the UMWA *Journal* and the "macing" of UMWA officers and employees and asked them to enjoin these acts, but they again turned a deaf ear. Finally, on November 30, several MFD members paid an unannounced visit to District 5 headquarters. We knew that the District officers would tamper with the absentee ballots in their possession. Still, we never expected to catch them at it. But we did.

Sitting in Secretary-Treasurer John Seddon's office were a number of District employees and Mr. Seddon. The ballot box was open and the room stacked with marked and unmarked ballots, and on Seddon's desk were a paste jar and a razor blade. One of the men ran out of the room with a bag full of what appeared to be marked ballots. This time the Department of Labor did do something. As the request of the *incumbents,* they offered advice and assistance. They told the officers to place the marked ballots in their possession in a bank vault. As if this would somehow neutralize the ballot tampering which had already occurred!

On election night, December 8, we witnessed a miracle. Despite everything the incumbents had done, the MFD slate received a better than two-to-one majority of the working miners' votes and captured virtually every office in the District. But the almost 1,200 absentee ballots have not yet been counted, and the election may still be stolen. MFD has filed briefs with the Department of Labor, noting that if they follow their own precedents and rulings, they should impound the absentee ballots, enjoin their tabulation, and conduct a hearing to determine whether or not the ballots were tampered with and should be counted at all. As I write this I do not know whether the Department will take this action, but I do know that they can no longer continue to ignore MFD. Every working miner in District 5 knows that MFD won. It is impossible to mine coal with retired miners and to really win an election with tampered votes. The working miners have spoken. "It's time for a change." And their message has already been heard loud and clear throughout the coal fields, where other working miners who support MFD are fighting for control of this union.

Perhaps the message may also reach organized labor which, after the coal miners rebellion in 1969 resulted in the new Coal Mine Health and Safety Act, followed suit by pressing, at long last, for a federal occupational safety act. This is not the only autocratic and corrupt union—although we think it is the worst example—and perhaps it's time for a change elsewhere, too.

January 1971

1. A Pennsylvania miner, Steve Segedi, said at the time, "The men who signed to be added as plaintiffs are no different from the men who signed our Declaration of Independence."

2. By this time one UMWA local union president, Silous Huddleston, had been indicted in connection with the murders. Although the prosecutor, Richard Sprague, has publicly stated that he believes persons higher up in the union hierarchy were involved and subsequently will be charged, and the five federal indictments indicate that the murders were election-connected, the Department of Labor spokesmen still maintain that there was no connection between the murders and the 1969 UMWA election.

3. When Jock announced that he was challenging Boyle for the presidency of the UMWA, however, Meany was less shy about interfering in the UMWA's internal affairs. He reportedly commented that this was just a case of a man wanting to come out of the kitchen into the parlor.

4. Despite rumors to the contrary, in part disseminated by Assistant Secretary of Labor Willie J. Usery, this was the sum total of Reuther's or the UAW's "assistance" to the efforts to reform the UMWA.

5. The Department has ample precedent for this delay. Most of the UMWA's districts—19 out of the 23 U.S. districts—are under trusteeship. Six years ago, the Department brought suit to remove the trusteeship status of some of these districts. That case, too, has yet to come to trial.

6. Because the union requires the continued payment of membership dues as a condition precedent to obtaining a pension, the union has an extraordinarily high percentage of retired workers who still vote in all elections. Of its approximately 190,000 members, 70,000 receive Bituminous Fund pensions; 15,000 receive Anthracite Fund pensions; and approximately 10,000 retired or unemployed miners have maintained their membership in the UMWA in the expectation of receiving a pension at some date in the future. Several months ago, a charge was filed with the National Labor Relations Board to declare this practice of requiring retired men to continue paying dues unlawful, but the Board's General Counsel has yet to act on this charge. In addition, MFD has charged that the substantial Bituminous Fund pension increase which Boyle engineered in the pre-election period last year was designed to influence the result of the election and should be challenged by the Department of Labor which has refused to do so. The Senate Labor Subcommittee staff has noted that as a result of this increase in the Bituminous Fund pension, Boyle received almost 93 percent of the pensioner vote and the Fund is in serious danger of bankruptcy.

7. See "Meanwhile Back at the Labor Department" (1970), pp. 267 to 283 of this volume and "Law, Democracy and the Unions" (1965), pp. 109 to 120, for a thorough explanation of *Calhoon*.

8. In the UMWA *Journal* Boyle had urged the "immediate confirmation" of the President's nominee, Dr. J. Richard Lucas. Lucas had been hand-picked for the job by a group of coal mine operators in Virginia who earlier, at the suggestion of a Department of the Interior official had brought suit to enjoin enforcement of the Act. After the facts concerning Lucas were made public and he withdrew, Boyle asserted that MFD's charges that he had supported this man were "an outright calumny against the union."

9. Over the years, the union has kept as much as $86 million dollars of the money of this purportedly independent fund in non-interest-bearing accounts at the National Bank of Washington of which it owns approximately 75 percent of the outstanding shares, thereby siphoning off into its own and others' coffers hundreds of millions of dollars which belong to the Fund's beneficiaries. A suit was brought last year to rectify this and other abuses and it is scheduled to come to trial in February. (Although the Department of Labor was invited to intervene by the attorneys who have brought this suit, it declined to do so.)

10. Not content with the free publicity he was getting in the official UMWA

Journal, Budzanoski began publishing with union funds a District 5 Newsletter which touted the incumbents and denounced the MFD slate. Finally, at election time, he got out an "Election Bulletin" similar in tone to the smear sheet he had published and distributed with union funds and personnel against Jock in 1969. This one charged, inter alia, that the Communists had donated $150,000 to MFD for its District 5 campaign.

UMWA Dictatorship on the Defensive

FRED BARNES

W.A. (Tony) Boyle is unnerved. As president of the coal miners' 175,000-member United Mine Workers of America (UMWA), he is a national figure. But he rarely appears in public—except in court under subpoena. When speeches are to be made at major UMWA functions around the coalfields, Boyle usually doesn't deliver them. He assigns a subordinate to the task. The aging union leader doesn't like to leave his Washington office and come face to face with the angry miners whose destinies he controls.

Boyle has good reason to feel embattled. Up until 1969, his rule of the UMWA, one of the country's wealthiest labor organizations, was all but unchallenged. Then Ralph Nader began attacking him for his dictatorial practices, coziness with mine owners and neglect of the miners themselves. Ken Hechler, the crusading West Virginia Congressman, soon joined in criticizing Boyle. Finally, Joseph A. (Jock) Yablonski, a long-time UMWA official, broke with the Boyle regime and sought to unseat Boyle in the union's presidential election. Yablonski lost a disputed election and a few weeks afterwards he was found murdered in his Pennsylvania home along with his wife and daughter. The publicity surrounding the murders brought the Boyle administration under the scrutiny of the federal government, which had earlier shied away from doing anything about corruption in the UMWA.

It was this series of events in 1969 and 1970 which has led to Boyle's current troubles. Suits were filed by miners and their families and by the government. Investigations were launched. These suits and probes began to bear fruit in 1971 and the result was a significant loosening of Boyle's grip on the union. And with several strong cases against Boyle still pending, the prospects are great that his power will be further reduced or that he may be forced out of office entirely.

The most important court decision so far was delivered April 28, 1971 by Judge Gerhard A. Gesell of U.S. District Court in Washington, D.C. Judge Gesell ruled that Boyle and the other two trustees of the UMWA Welfare and Retirement Fund were guilty of mismanaging the fund's assets. He also found the union, the fund and the UMWA-controlled National Bank of Washington guilty of conspiracy. Both the mismanagement and conspiracy stemmed largely from the practice of keeping as much as $75 million of the fund's money in non-interest bearing accounts at the bank. Gesell postponed the decision as to what penalties he would assess, but he was expected to force the union, fund and bank to pay compensatory damages up to $30 million.

"The trustees well knew that cash deposits at the bank were unjustified," the judge said. "It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested." The effect of the practice, Gesell said, was to deprive the beneficiaries of the fund—retired and disabled miners and widows of miners—of income which investments would have earned. The judge said that reform of the fund is "urgent" and he ordered Boyle and another trustee to step down. He also instructed the fund to take all of its money out of the National Bank of Washington, where the UMWA owns 74 percent of the common stock.

Gesell's ruling came in a suit filed by a group of former miners and their families, mostly from West Virginia, who had been denied hospital benefits and pensions because of the arbitrary rules of the fund. They argued in their suit that they were denied because the trustees were using some of the fund's assets to build profits for the bank and thus indirectly enrich the UMWA's treasury. Left out in the cold, they said, were thousands like themselves with justifiable claims for financial aid from the fund.

UMWA patriarch John L. Lewis established the fund in 1950. He

allowed coal mine owners to mechanize mining operations—and thus take jobs away from hundreds of thousands of miners—in return for their payment of a royalty to the fund for each ton of coal produced in a union mine.

Though he had failed to win an increase in the royalty since he became UMWA president in 1963, Boyle rammed through a boost from $115 to $150 in monthly pensions for retired miners. This occurred the day after Boyle became a trustee upon Lewis' death in 1969 and only a week after Yablonski announced his candidacy to unseat Boyle. The move was clearly a political one, designed to win the support of UMWA pensioners in the upcoming election. It was made without first studying what effect the increased payments would have on the solvency of the fund. Later, the United States Comptroller General found that the fund will run dry by 1975 at the new rate of spending. Gesell characterized Boyle's move this way: "His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards."

The judge was further critical of Boyle's failure to resign as a director of the National Bank of Washington and a member of its executive committee when he became a fund trustee. About 20 percent of the bank's assets came from the fund. Boyle's position at the bank, Gesell decided, created "a relationship which conflicted with that degree of independence required of a trustee under the circumstances."

Boyle's fast and loose handling of money in the welfare and retirement fund is matched by his questionable disbursement of money from the union's treasury. Boyle has passed out millions of dollars in UMWA money to his lieutenants without providing proper justification for the expenditures. Instead, these payments fall under the category of "organizing expenses."

Between 1963 and 1968, for instance, Boyle authorized "loans" of $3.7 million to a district in Kentucky and Tennessee and $1.8 million to a district in southwestern Virginia. During his campaign, Yablonski charged that the money was used by Boyle to assure his "political control" over the districts. "Loans of a similar nature and for a similar purpose have been made to other districts," Yablonski said. All of them were written in UMWA records as going for unspecified "organizing expenses."

Such vague justifications for expenditures violate the Lan-

drum-Griffin Act's provisions on union record-keeping and the government went to court in Washington to force Boyle to keep proper records, ones in which illegal expenditures could not be easily masked. Shortly before Judge Gesell's ruling, Judge William Bryant ruled in favor of the government, instructing Boyle to quit the loose bookkeeping.

It was Yablonski's contention that thousands of dollars in union money were funneled illegally into Boyle's re-election campaign and he pointed particularly to an instance in Pennsylvania and another in Virginia. His charge has now led to the conviction of Boyle lieutenants in each of the cases. In their unsuccessful court defenses, the Boyle men said the money in question wasn't earmarked for the campaign, but was for "organizing expenses."

A federal court jury in Pittsburgh on May 6, 1971 found UMWA District 5 president Michael Budzanoski and district secretary-treasurer John Seddon guilty on one count of conspiring to falsify union records and three counts of actually doing so. District 5 encompasses southwestern Pennsylvania and was Yablonski's home district. Two former District 5 officials testified that they and two others were instructed to cash UMWA checks totaling $8,500 and return the money to Seddon. They said Budzanoski told them the money was to be funneled into Boyle's campaign coffers. To hide this illegal use of UMWA money, they said they were ordered to hand in fraudulent vouchers saying the money was used for "organizing expenses."

In the other case, Ray Thornbury, the second-ranking UMWA official in District 28 in southwestern Virginia was convicted on June 10, 1971, by a federal court jury in Washington of one count of embezzlement. The jury decided that Thornbury had illegally received a union check for $180 as reimbursement for expenses on a campaign trip in July and August of 1969, in the midst of the Boyle-Yablonski campaign battle.

Thornbury had escorted seven miners from Virginia on the four-day trip to Pittsburgh, where they met with Budzanoski, and then to Washington. The aim of the excursion was to persuade the miners against supporting Yablonski and to inspire them to campaign for Boyle on their return. Three of the miners testified that Thornbury promised them before the trip that they would be paid out of UMWA funds for their lost work time. And indeed Thornbury and the seven miners received union checks when they got back to Virginia. But it was merely a bookkeeper's mistake that

the miners' checks were written on the union account instead of the account of Boyle's District 28 campaign committee, UMWA witnesses testified. Thornbury was chairman of the committee. The jury acquitted Thornbury on seven embezzlement counts stemming from the miners' checks. But it didn't accept his explanation that the check to himself, written at the same time as the other seven and marked as payment for the "Washington trip," was really for "organizing expenses."

The convictions of the Boyle lieutenants are significant for several reasons. They expose the kind of financial hanky-panky that is the hallmark of Boyle's regime. And they serve as a warning to others in the Boyle camp. The three face possible jail sentences and fines. But particularly important is the fact that if the convictions are upheld on appeal, as is expected, the three will be barred from holding union office for five years.

Boyle, too, faces the prospect of being forced out of office if he is convicted on either of two criminal counts stemming from allegedly illegal political contributions made by the UMWA from 1966 to 1969. A federal grand jury in Washington indicted Boyle on March 3, 1971 along with UMWA secretary-treasurer John Owens and James Kmetz, the head of the union's lobbying arm, Labor's Non-Partisan League. The league was the conduit through which $49,250 was channeled into political campaigns, the indictment said, with $30,000 of the money going to Hubert Humphrey's presidential campaign in 1968. Humphrey addressed the union's convention in Denver that year, telling the delegates that he envisioned a luncheon tête-à-tête with Boyle at the White House in the near future.

The grand jury charged Boyle with one count of embezzlement of union money, one count of conspiracy to embezzle and make illicit campaign contributions and 11 counts of actually making illegal donations. The two embezzlement counts come under the Landrum-Griffin Act and carry with them the five-year ban on holding union office. By merely being indicted, Boyle was forced to resign as a director of the National Bank of Washington. But even if Boyle is convicted and loses all his appeals, ouster from union office as a result of the political donations could be years away. If union attorneys are competent at nothing else, they are experts at delaying cases, if only by lodging groundless appeals when all else fails.

Nearly seven years ago, the federal government filed suit against

the practice of UMWA leaders of preventing miners from electing officials in their regional districts. Instead, the districts are kept in "trusteeships" and the district officials are appointed from Washington. The trusteeship setup, which is used in 23 of the union's 27 districts, is blatantly illegal but Boyle's attorneys have capitalized on the indifference of the government lawyers handling the case and have managed to stave off a trial until July 1971. Finally forced to present their case in court, government attorneys acted in the same perfunctory manner that allowed the trial to be delayed so long in the first place. On its merits, the case against the Boyle "trusteeship" system was overwhelming, but after the government finished its prosecution there was some doubt that the case would be decided against Boyle. Judge Joseph C. Waddy was expected to issue his ruling early this fall.

The trusteeship case is perhaps the most far-reaching one pending against the Boyle regime, for it strikes at the very heart of the Boyle dictatorship. Boyle maintains his ironclad hold on the districts because he can hire and fire the officials who run them. The officials naturally follow Boyle's orders, which are often at variance with the interests of the miners they are supposed to represent. The setup neatly averts the possibility of potential foes building up a power base and challenging Boyle. Yablonski came from the only major coal-producing region, District 5, in which miners have "autonomy," the right to elect their district officials. Miners there had been electing Yablonski since the early 1940s.

In another delaying move, Boyle's attorneys were able to put off until the fall (1971) a trial in the government's challenge of Boyle's re-election over Yablonski. Delay is the only tactic left to the union lawyers since the government is almost certain to win the case in court. In fact, the government is basing its case on only a portion of the potential grounds for overturning the election. Among the grounds cited are the use of the union's biweekly publication, the UMWA *Journal,* as a campaign tool for Boyle and various instances of vote fraud.

The most potential damage to Boyle appears to stem from the trials of the defendants in the Yablonski slayings. One of the alleged murderers, Claude E. Vealey, pleaded guilty in June and said that "a man named Tony" was behind the plot to kill Yablonski. Vealey said he didn't know the identity of "Tony" and Boyle denied any

involvement in the murders. But prosecutors remain convinced that the culpability for the killings extends to the upper reaches of the UMWA hierarchy. Vealey has promised to testify against the other four defendants, one of whom is a UMWA local president in Tennessee, and his testimony appears certain to convict them. With the prospect of a sure conviction facing him, one of the defendants could conceivably end his silence, turn state's evidence in hopes of mercy and tell the real story of who ordered the death of Yablonski. The chief prosecutor in Pennsylvania has said he thinks Boyle was somehow involved in the murder plot. So revelations in the upcoming trials of the remaining defendants could have a shattering effect on the Boyle regime.

Despite his setbacks in court and the expectation of more in the future, Boyle remains firmly entrenched. He has a union treasury of $50 to $100 million to fiddle with. He has whatever prestige is left in the office of UMWA president. He has control of the *Journal.* Even in autonomous District 5, the Boyle forces were able to beat back, at least temporarily, an election challenge by Miners for Democracy, the organization of reform-minded miners who are carrying on Yablonski's crusade. The Boyle men violated the UMWA constitution repeatedly in the process and ultimately had to "disqualify" the votes from locals sympathetic to the insurgents. The United States Labor Department investigated the election and may file suit to overturn it but meanwhile Boyle's allies, Budzanoski and Seddon, stay in office. While the Boyle forces would probably lose a rerun in District 5, Boyle himself seems assured of winning a rerun, probably next summer, of the union-wide presidential election. One reason for Boyle to be confident is that no new leader of Yablonski's stature has emerged from the reform forces in the union.

The role of the *Journal* cannot be underestimated. While the readers of newspapers and liberal journals may think of Boyle as an evil man, many miners who read only the *Journal* think otherwise. Boyle is routinely portrayed in the publication as a labor leader cut in the mold of his predecessor, John L. Lewis. He is a selfless champion of the miners and it is simply because he is so ardent in his efforts on behalf of the miners that the suits against him come rolling in. And when the court cases go against Boyle, who is responsible? "Reactionary judges," responds the *Journal.* Yablonski

won a court order barring Boyle from using the *Journal* to boost himself, but that ban applied only during the closing months of the campaign.

Issues of the *Journal* are larded with snippets from letters supposedly written by miners. "Thank our President Tony Boyle and others for the good work they are doing for the miners," said one. "President Tony Boyle is a John L. Lewis disciple and has done a wonderful job for the benefit of all members," said another. In others, the welfare and retirement fund is fulsomely praised.

Distortion is one of the trademarks of the *Journal*. According to its version of Judge Gesell's ruling, the judge found that Boyle "was too militant" when he pushed through the pension increase. Gesell's decision is "a dangerous, ill-thought-out ruling that can do irreparable damage not only to the United Mine Workers of America—and we mean the coal miners—but also to all of organized labor in America," it added. And what of the indictment of Boyle for the campaign contributions? It is "an attack on the basic right under our Constitution of working men to petition their government for a redress of grievances," the *Journal* said. Then in a flight of pure fancy, it said, "So what it seems to us to boil down to is: How much is a coal miner's life worth?" No mention was made of the federal law which bars union officials from making campaign contributions out of the union treasury.

Each issue of the *Journal* invariably prints an attack on the reform forces in the union. Printed in full was an April 1 speech by Edward L. Carey, UMWA general counsel and the heir apparent to Boyle. Carey's picture took up the entire front page of the issue. "Unseen forces," he said, "were behind Yablonski's campaign. This campaign of terror, vilification and character assassination was the work of well-educated and very shrewd manipulators. . . . Honesty is not a part of their system and honesty will never be part of their system. These villainous men with evil in their hearts don't know the meaning of honesty, decency and integrity. . . . So I say to you, let us not get into a situation where these fakers, the new-left, if you wish; communists, if you wish; members of the new-right; or fascists, if you wish; deceive us. Don't let them destroy your union so that the coal operators can walk in and have you work for lousy wages, with the lousy working conditions that you had years ago before you had a union. . . ."

If there is to be a free presidential election in the UMWA, it is imperative that Boyle be restrained from using his union position to insure re-election. Miners for Democracy asked the Labor Department on May 9, 1971 "to move promptly and forcefully for a monitorship over the affairs of the union until the miners can themselves choose different leadership in a new election." The department could seek a government monitorship of the union in its suit to overturn Boyle's election, the reform miners said. But the Labor Department, which failed to heed Yablonski's pleas during his campaign, refused to consider the idea. Peter G. Nash, department solicitor, went so far as to say that the murder of Yablonski wasn't connected to his bid to defeat Boyle.

The response angered the attorneys for Miners for Democracy, Joseph L. Rauh, Jr. and Joseph A. (Chip) Yablonski, the slain insurgent's son. They called it a "whitewash of Tony Boyle and his crowd." If it did nothing else, the department's timidity insured that the reform-minded coal miners have an uphill fight in their attempt to topple Boyle and sweep away his dictatorship.

June 1971

The Painters' Union: Autocracy and Insurgency

BURTON HALL

Bureaucratism is a deformity in any organization but to a labor union it can be slow (sometimes rapid) death. Seen from inside the union, it means the repression of rank-and-file opposition and the rigging of union elections; seen from outside, it involves the betrayal of union standards and the first steps toward racketeering. It has become the prime menace to unionism. That is why rank-and-file workers who struggle against bureaucratism within their unions are today the best hope of the labor movement. Yet, of all the struggles which go to make up the labor movement, these intra-union efforts at reform are the least known and understood. Their history is rarely recorded; they take place in isolation from each other; and each effort must encounter anew all the problems and difficulties of untutored rebellion.

One notable exception to this pattern has been the long struggle inside the New York painters' and paperhangers' union, District Council No. 9. It is illuminating because it has raised the issues of bureaucratism and democratic reform to their most universal level. Though not impressively successful (for New York painters and paperhangers suffer from bureaucratism and its attendant evils today [1964] much as they did 30 years ago), the painters' rebellion has already proceeded a long way toward opening the road to union democracy throughout the labor movement—and may soon open it a great deal further.

It began in the early 1930s, when the painting industry in New York City was a minor fiefdom in the empire of "Lepke" Buchalter and "Gurrah" Shapiro, a fiefdom efficiently policed by Murder, Inc. District Council No. 9, composed of local unions in Manhattan and the Bronx and headed by Philip Zausner as Secretary-Treasurer (i.e., chief officer), was a well-controlled cog in that fiefdom. And painters' and paperhangers' wages and working conditions were at gangsterism's abysmal level.

It was against this system that the painters rebelled. Most active in the early stages of the rebellion was a factional caucus known as the "Painters' Rank and File" which, though Communist-controlled, kept up a militant and consistent attack throughout the pre-war years upon the racketeer domination of the industry. It contested the District Council elections of 1933, 1934 and 1935, each of which the racketeers stole for Zausner by the most primitive, strong-arm methods. It fought the election-stealing in court and, though it won no judicial relief, established that the elections of 1933 and 1934 had in fact been stolen. ("This was a riot," declared the judge after hearing the 1934 election case, "not an election.") And after Zausner stole the 1935 election in the same way, the rackets were driven from power. Faced with a barrage of newspaper publicity, a Citizens' Committee investigation and a vigorous pursuit by the newly-appointed Special Rackets Prosecutor for New York County (Thomas E. Dewey), Zausner resigned in December 1935. In the special election which followed, the "Rank and File" swept its leader, Louis Weinstock, into the Secretary-Treasurership. It seemed as though a new day had dawned for the painters' union.

Weinstock and the victorious Rank and File promised to free the union from gangsterism. Indeed, the Rank and File leaders in office, with the help of the newly-reformed office of the District Attorney for New York County, stopped the beatings and killings that had kept "order" in the industry in the past. They led a long overdue organizing drive into the previously neglected field of alteration painting. If the union still suffered a lack of internal democracy, its public stance was militant. But when Nazi Germany invaded Stalinist Russia on June 22, 1941, the Rank and File show of radicalism disappeared. The administration proclaimed a "No Strike Pledge." It abandoned enforcement of union standards on "war" work. (And, of course, virtually all painting work promptly moved into the war

work category.) It called for victory workdays, with wages contributed to the "war effort." Union militancy was replaced by chauvinism.

The painters, by and large, felt that they had been betrayed. The opposition, or "Progressive" caucus, radicalized by an infusion of angry, anti-Stalinist militants, called for democratice reform and effective unionism. Soon after the war, Weinstock's structure of power in seven of the District Council's twelve affiliated local unions was split beyond healing and Weinstock himself was not long for office. In 1947, the Progressive caucus removed him and elected a loud-spoken ex-Trotskyist named Martin Rarback as Secretary-Treasurer of the District Council.

For the next five years the District Council remained electorally divided almost equally between the two caucuses. Both spoke in the name of militancy and democracy. The membership of the two caucuses meant it: for the next several years the membership of the Progressive caucus regularly voted down any bureaucratically-inspired proposal that smacked of bad unionism or of anti-democracy—so long, at least, as the voting itself was secret.

But the balance of power between the caucuses fell into the hands of those bureaucratic elements—specifically, the foreman, the business agents, and their hangers-on—who, then as now, represented the seamier side of the union's politics (and who of all factions and strata stood closest to the employers). The Progressive administration and its Secretary-Treasurer soon courted their electoral support and persuaded most of them to join the Progressive caucus itself. Once in, they proceeded to take over.

Business agents and foremen, acting together with the Secretary-Treasurer, have virtual control over the ordinary members' employment tenure and job possibilities. And each tends to use his power to build his own following in union politics. Whenever the membership of the Progressive caucus could be forced to vote by show of hands with Rarback and the business agents watching, it would vote as a rule whatever way the bureaucrats favored. Thus it was that, by open hand vote, the Progressive caucus committed itself to such proposals as the replacement of voting machines by paper ballots in local elections, and the expulsion of administration opponents from the union, and the systematic job discrimination against non-supporters of the administration. With the adoption of each such

proposal, militant reformers became disgusted and drifted away from the Progressive caucus. Step by step the bureaucrats gained unchallenged control of it and of its machinery.

Soon the scandals symptomatic of bureaucratism appeared in the Progressive administration. In 1949, one of its pillars—Samuel Lemkin, Progressive president of Local Union 442—was indicted and convicted for having conspired with a painting contractor to defraud the City of New York. (Rarback, when asked about the indictment at a meeting of his own Local Union 892, explained that the "capitalist press" had distorted the facts.) This was just one such scandal. By the time of the 1951 elections the opposition could accuse Rarback himself and certain named business agents of specific instances of collusion with employers—collusion to stifle valid grievances, to break a strike to prevent unionization of a non-union shop, to remove a militant steward, and to permit paint-spraying (this last barred by the union contract for health as well as other reasons.)

With such scandals in the air the bureaucracy was pressed to the brink of electoral defeat. In the June 1951 elections, Rarback fell far short of a majority, his plurality (in the three-way race that year) being a mere 127 votes out of a total of 5636 cast. It was too close for comfort for a bureaucrat, who had come to love the perquisites of office.

To stay in office, Rarback hit upon a stratagem that has guaranteed the bureaucracy its grip on power ever since. He arranged with the officials of four local unions not affiliated with the District Council (locals composed of workers in specialized crafts—glaziers, signwriters, scenic artists, etc.) to come into the District Council for voting purposes only, on an "autonomous" basis. Though the District Council is, to painters and and paperhangers, their local labor organization itself (the affiliated local unions having no substantial power or autonomy whatever), the autonomous locals' members would henceforth vote for its officers and yet not be governed by it or represented by it to any degree at all. During the ensuing years close to a dozen autonomous locals drifted into and out of the District Council on this basis, as their officials' alliances with Rarback waxed and waned. In District Council elections they cast their votes overwhelmingly for Rarback and the bureaucracy.

With the votes of the autonomous locals propping him up,

Rarback was electorally unbeatable. And the opposition was shattered. After 1951 the Rank and File caucus withered away; after 1953 it never again ran a candidate in a District Council-wide election. From 1953 to 1961 Rarback was electorally unopposed. The two-party system was ended and the bureaucracy's power within the union was at last absolute.

But the power of the union itself steadily declined. During the 1950s the District Council bureaucracy bargained away most of the powers that had made the District Council a union. Its collective bargaining agreements established a Joint Industry Board composed of employer representatives and union bureaucrats, half and half, financed entirely by employer contributions. To the Joint Industry Board the District Council surrendered its power to adopt and to enforce safety rules, its power to limit the ratio of apprentices to journeymen in each shop, and even its power to appoint and discharge shop and job stewards (i.e., the workers' representatives on the job). The result, of course, was that conditions on the job returned to those of the Zausner era.

Even more startling was the relative decline in wages. When Weinstock had left office in 1947 the District Council had been the wage leader for painters and paperhangers throughout the New York area. Painters' wages within its jurisdiction were a full 50 cents per hour higher than laborers' in New York's building trades. They were far higher than painters' wages anywhere else in New York City or in surrounding areas. But by the end of Rarback's uncontested fifties the situation was exactly reversed. District Council No. 9 painters received, by 1961, the rock-bottom *lowest* wages in the New York City building trades—$3.77 per hour. Their wage rate was 48 cents per hour *less* than the wage rate of painters in Brooklyn and Queens and far less than that of painters in all the surrounding areas.

Rarback sought to overcome the disparity by abolishing higher wages! He demanded that all local unions of painters in Brooklyn and Queens and Staten Island affiliate (non-autonomously) with the District Council and that their members work thenceforth for the lower, District Council wage rate.

Needless to say, Rarback's demand aroused more enthusiasm among employers than among working painters. Nevertheless, it found an echo in the General Executive Board of the Brotherhood of Painters which, in the summer of 1961, ordered the Brooklyn,

Queens and Staten Island locals to affiliate on Rarback's terms. They, of course, refused. They formed a joint committee, prepared to go to court, and vowed never to succumb to Rarbackism. To force them in, the General Executive Board had to come to New York and hold public hearings on the issue—and, in private meetings, to twist the arms of recalcitrant local union officials.

By mid-1962 the local officials were won over; what remained was to break the members' resistance. To do this, Rarback needed the appearance (not necessarily the reality) of a higher District Council wage rate, so that the Brooklyn, Queens and Staten Island painters would not regard affiliation as necessarily implying a wage cut. He achieved that appearance with the District Council's new (1962) collective bargaining agreement, which (in flat defiance of Gresham's Law) established not one but *two* wage rates for painters. It never became clear how the lower wage rate (for "old" work) was to be kept from swallowing up the higher wage rate, but clear or not the curious scheme broke the resistance to affiliation and Rarbackism was spread throughout New York City.

In order to win his (however chimerical) wage increase, Rarback surrendered most of the union protections that had not already been given away. The new agreement allowed free, unrestricted use of several applying devices previously banned as dangerous to health. This, in short, was the employers, *quid pro quo* for the "higher" wages under the new agreement.

No sooner had Rarback conquered the Brooklyn, Queens and Staten Island painters than he was faced with a new embarrassment. The Nassau County (Long Island) painters' union bordering on the District Council's new jurisdiction, refused the employers' demands to surrender their ban on the harmful devices. On April 1, 1963 they struck for a higher wage rate, six-hour day and the continuance of the ban. And it looked as though they might win.

Rarback met the danger in characteristic fashion: on his personal proposal the District Council bureaucracy sent strikebreakers to work on jobs within New York City which had been struck by the Nassau painters. The strike was crippled. At the end of April, the Nassau painters' local union settled for a slightly higher wage and a continued ban on the harmful devices. Under the circumstances, the Nassau painters counted it a victory.

Rarback next singled out the paperhangers for special betrayal.

These men were the members of the small (less than 400 members) Paperhangers' Local Union 490. Paperhangers were comparatively well paid. Rarback took the view that they were too well paid. In 1959, after negotiating a three-year collective bargaining agreement covering paperhangers as well as painters, he made special agreements with special employers to undercut those wages—and forced the lower-than-contract wages upon the paperhangers. Then late in 1960, he agreed with the employers to a straight, across the board, 20 percent wage cut on certain work and forced that cut upon the paperhangers. When Local 490 unanimously protested, Rarback brought six of its members (including its three chief officers) up on charges of "slandering" him and suspended them from all union rights.

This was only a first step. In 1962, the earlier agreement expired. Rarback negotiated a new one—but for painters only. He prohibited the paperhangers from negotiating an agreement for themselves and he refused to negotiate one for them. As soon as the contract expired, the employers dictated terms to the paperhangers which added up to a cut in wages.

Being union men, the paperhangers refused to work without a contract, or on conditions worse than those of the expired contract. Rarback declared that they were on an unauthorized strike and ordered them back to work (without a contract). When they refused, he called upon painters to take their jobs and do the paperhanging themselves.

But he failed. Less than 40 painters responded to his scab appeal. His subsequent attempt to recruit strikebreakers from out of town was foiled by timely recourse to New York City's newly enacted ordinance forbidding the importation of strikebreakers. The work stoppage ended when the employers agreed (informally) to abide by the expired agreement. Local 490, by its own efforts, managed to enforce that informal understanding for a year and a half. Finally, early in 1964, in return for Local 490's dropping certain legal action (including a $5 million libel suit against him personally), Rarback relented and negotiated with the employers an agreement to cover paperhanging work.

The painters' rebellion was reborn slowly, and reluctantly. For one thing the painters were growing old: by 1960 their median age was 59 years. At that age a union member's thoughts turn largely

around his pension rights: few sexagenarians are inclined to risk those rights by rank-and-file rebellion. Pension plans, in a sense, are the opiate of the aging union rank and file.

For another reason, rebellion seemed hopeless. By the end of the fifties the bureaucracy was formidably entrenched, with the District Council's newspaper, treasury and disciplinary apparatus at its disposal. It had increased its own terms of elective office from one to three years. Above all, it had two weapons which made it virtually unchallengeable: its power to discipline its intra-union opponents by depriving them of all union rights and its power to rig, flood or otherwise control the union's elections.

Still the painters had little choice but to return to their unfinished revolution. Life in the building trades even under good conditions is by no means as pleasant as those seemingly high hourly wage rates would suggest. It means irregular work at best and virtually no work at all during a large portion of the year. A few days' pay must often tide a worker's family over days or weeks between jobs. And under conditions of bureaucratism, life becomes harder still, for jobs tend to be distributed on a patronage basis. When such conditions get bad enough, even the oldest and tiredest workers are driven to fight back.

In Local Union 1011 a group of painters known as the Active Painters' Club set itself to reform the District Council. It aimed at this extraordinary task by challenging the bureaucracy to bring all its weapons into the open—the better to neutralize them or to knock them from the bureaucracy's hands.

The Active club asked one of its members, Frank Schonfeld, to effectuate its challenge by making the hopeless race for the Secretary-Treasurership. Schonfeld, one of the early leaders in the Progressive caucus (he had served as the inter-local Secretary for the Progressives and as editor of the caucus newspaper from 1946 to 1949), had withdrawn from caucus affairs when the bureaucrats had taken over. He set himself the task now of forming a new, insurgent inter-local caucus to bring two-party politics back into the District Council.

Schonfeld won the nomination of his local union (with the help of a court order restraining Rarback from flooding it immediately in advance of the nominating election) and attempted to mail his campaign literature to the members of the various locals. He was

allowed, in time, to send his material to the members of only eight of the District Council's 12 affiliated locals—in the final voting he carried these eight locals by an aggregate vote of 1,464 to 1,281. In the other locals (in which he was denied access to the mailing lists) Rarback's lead piled up. In the 12 affiliated locals Schonfeld won a respectable 42 percent of the aggregate vote, 1,800 votes to Rarback's 2,529. But the autonomous locals added another 1,333 votes to the total, 1,222 of which went to Rarback. So with their help Rarback won his expected landslide.

In advance of the elections, the bureaucracy had brought a handful of oppositionists up on charges, most of them for "slander" of union officials. Among them was Solomon Salzhandler, Financial Secretary of Local Union 442 since 1953, whose "crime" was distributing a leaflet criticizing the way in which Isador Webman, President-Business Agent of that local, handled checks drawn on the local's account. Webman, of course, never explained his mishandling of the checks. As a typical pillar of Rarbackism, he simply brought Salzhandler up before a District Council trial board on charges of "slandering" him—and Salzhandler was promptly suspended from all union rights for five years.

As soon as the election was over, these early victims were joined by others. Rarback himself filed charges against Schonfeld and 12 of his campaign supporters. Some were charged with having gone to court to protect their electoral rights, some with having "slandered" him by campaigning against him, and others with having improperly participated in union affairs by campaigning against him.

Nor was this the end. In the next two years, other members were brought up on charges and deprived of all union rights for various periods of time (three to five years) for having criticized, at union meetings, such hallowed institutions as the election procedures used in some of the affiliated locals and the receipt of salaries by union officials (specifically, by District Council President Caputo and by the president of Local Union 892) paid by the employer-financed "Joint Industry Board."

But this merry game of repressive discipline ended suddenly, in April 1963. Salzhandler's case had finally reached the United States Court of Appeals. That court ruled[1] that a union member is protected in his right of free speech under the Bill of Rights title of the Labor Reform Act—and that no union bureaucracy may

discipline him for his criticism. The result was instant victory for the members charged with having slandered officials and/or having intimated that elections were stolen. The federal courts granted them immediate injunctive relief against the carrying out of their discipline. (In December 1963 the United States Supreme Court made members' protection even more certain by denying the District Council's petition for review in Salzhandler's case.)

And so one of the bureaucracy's chief weapons was knocked from its hands. But only one. There remained the power to rig and flood elections. This, too, came under attack when Schonfeld brought suit to challenge the right of the bureaucracy to count the votes of autonomous local members in District Council elections, alleging that such election-flooding debased the rights of painters and paperhangers to vote in their union elections. Another unionist, Harold Robins, who had been deprived of union rights for criticizing his local's election procedures, also went into court to enjoin his repressive discipline, the intimidation of voters, the deprivation of voting secrecy and to prevent non-member and repeater voting in future Local Union 892 elections.

Both these cases raised a legal issue which is still in dispute: whether a union member may sue in advance of an election to enjoin procedures which so debase and infringe his right to vote as to render balloting a vain act. To this question different federal courts have given different answers. Robins is currently petitioning the United States Supreme Court to consider the question, on which both his and (probably) Schonfeld's suit will ultimately depend.[2]

It is beyond reasonable hope that the legal issue can be resolved before the end of 1964. Meanwhile, the District Council will hold its first general election since 1961 (its last until 1967) in June of this year. In advance of it—in March and April 1964—District Council repealed its by-law provisions which had required the identification of voters preliminary to voting. (Rarback explained that his counter-reform would make it "easier" for people. The result, of course, is to open the door wide to election flooding.)

In a fair election, which side would win? It is hard to say. Like all workers' rebellions, the painters' reform movement ebbs and flows, reexamines itself and continually rebuilds. But its message, by now, has permeated the general membership and the newest fruits of Rarbackism add new force to its arguments for reform. In a fair

election it might well topple the bureaucracy. But a fair election it is not likely to get.

The painters' rebellion thus poses—for the courts and the District Council—the final and crucial question that insurgent democracy poses ultimately to bureaucratism everywhere, whether the bureaucrats can be required to submit to a democratic vote. The question goes to the heart of union bureaucratism. It challenges the bureaucrats' continued enjoyment of their piecards—and it defies them to do their worst. It is a question which sooner or later the rank and file of the labor movement as a whole must pose to the "new class" of union bureaucrats; and on its resolution rests the future of trade unionism.

March 1964

1. *Salzhandler* vs. *Caputo,* 316. F.2d 445, (2nd Cir. 1963), 1 *cert. den.* M. 375 U.S. 946 (1963).

2. This hope was shattered by the *Calhoun* decision [see "Law, Democracy and the Unions" in this volume (*New Politics,* May 1964)] cf. also *Robbins* vs. *Rarback,* 325 F.2d 429 (2nd cir. 1963), *cert. den.* 379 U.S. 974 (1965).

The Painters' Union: A Partial Victory

BURTON HALL

When Martin Rarback, the up-til-then chieftain of Painters' District Council No. 9 in New York City, walked out of Manhattan Center on September 16, 1967, he was followed close at the heels by a rank-and-file member who shouted at him, over and over, "You're dead, you thief! You're dead, you son of a bitch!" Apparently Rarback agreed; he was virtually incommunicado for close to a week thereafter.

The last chapter in the Rarback story began last October, when Rarback was at long last indicted by a New York Grand Jury for receiving some $840,000 in bribes from employers in return for discriminatory enforcement of the painters' collective bargaining agreement. The indictment came after a nearly two-year investigation, in the course of which Rarback, when called to testify, had refused to waive his statutory immunity. And it came on the heels of charges, some of them upheld by the federal court, of "sweetheart" dealings on Rarback's part with employers and of close financial relationships with the labor racketeer, Jack McCarthy. To all of these earlier disclosures, the top officials of the Brotherhood of Painters had lent a deaf ear, just as they did whenever rank and file members complained of Rarback's dictatorial practices inside the union. But the indictment, and the publicity surrounding it, threatened to shake Rarback's throne. So, to shore up the Rarback

regime, the Brotherhood placed a trusteeship over District Council 9 the day after the indictment was handed down.

In a telegram appointing General Representative Damery as Trustee, General President Raftery explained that "widespread publicity" given by the newspapers to "allegations" of corruption had "tended to create an atmosphere of dissension and controversy among the membership of the District Council. . . ." So he was moved to impose a trusteeship—not to investigate the "allegations" of corruption but rather to stifle the membership "dissension and controversy." To a newspaper reporter, Raftery once again praised Rarback and emphasized that he didn't care whether the "allegations" were true or not.

The Trustee did as instructed by Raftery without any attempt to investigate the "allegations," or even to find out what they were; he re-appointed all of Rarback's cronies to the offices they had held under Rarback and soon thereafter appointed Rarback as "Coordinator" of "Organizing and Educational" activities. In practice, under the trusteeship, Rarback continued to exercise all his former powers, including the assignment and direction of business agents. Nobody, certainly not the Trustee, made any attempt to aid the District Attorney's investigation or to find out why it was that, in Damery's words, the painting trade in New York City, and especially in City Housing Authority work, had become a "jungle" and a "cesspool" and that blatant violations of the collective bargaining agreement had been going on "for years and years and years and years." In fact, the Trustee's only accomplishment was to cancel the election for Secretary-Treasurer that was scheduled for June 1967—thus leaving Rarback in power without the necessity of submitting to membership approval.

It wasn't long before the insurgent rank and file members began to get the drift. On behalf of some of them, I appealed to the Secretary of Labor to set the trusteeship aside, pursuant to Title III of the Landrum-Griffin (née Kennedy-Ervin) Act. The Secretary refused, and to avoid giving formality to the refusal the appeal was withdrawn. So, on behalf of 19 rank and file members, I brought suit directly in federal court under a curiosity in the law that permits either the Secretary *or* rank and file members to challenge a trusteeship as unlawful. The members charged that, as the court later put it, "the trusteeship amounted to a 'front' or 'cover' for retaining

control by the discredited—or at least seriously suspect—Rarback regime."

The case went to a seven-day evidentiary hearing, in all respects equivalent to actual trial, before Judge Marvin E. Frankel. Rank and file union members testified at length about the corruption of the Rarback regime, about Damery's servility toward Rarback's cronies, about their own unsuccessful efforts to interest Damary in combatting the obvious corruption in which Rarback and his henchmen were involved, and about the outright repression and electoral fraud that continued to exist under Damery, as it had under Rarback. For their own part, the top Brotherhood officials played it mum. Neither Raftery nor any other top official came forward to explain why the trusteeship had been imposed (and be cross-examined by plaintiffs). The only important witness they produced was Damery himself, and Damery's testimony was so self-contradictory and so contrary to the proven facts that the court later described it as "a train of evasive, misleading and plainly untrue testimony." But even Damery admitted, at the end of his testimony, that the real reason for the trusteeship was to suppress what he called the "power struggle" of rank and file members who were seeking to oust Rarback.

But if the Brotherhood's big guns didn't appear in the courtroom, they were active outside it. They got George Meany to announce to the newspapers, while the hearing was still in process, that the Brotherhood's trusteeship over District Council No. 9 was fine and perfect and that the Brotherhood's top officials were all sterling characters. They induced Secretary of Labor Willard Wirtz to come into the case as a "friend of the court" and to submit a memorandum at the close of the hearing in support of the trusteeship. According to Wirtz's memorandum, Damery had testified that he sought the good of the Council and that resolved all doubts as to his and the Brotherhood's good faith. The court, in weighing it, was moved to remark that "the weakest area of the Secretary's brief . . . is in its thin treatment of the facts, largely and uncritically rested upon the testimony of the Trustee."

The court rejected Secretary Wirtz's argument and, in a 62-page opinion handed down several weeks later, found the proof "clear and convincing" that Raftery had created the trusteeship in bad faith and that Raftery's real purpose was to maintain Rarback in power, not to correct corruption. As the court put it, "The Trustee's

stance of 'impartiality' between Rarback and his opponents, the bland re-installation of the Rarback team, the new assignment to Rarback and the false and evasive testimony about it, the whole pattern of inconsistent and equivocal explanations—all point to the conclusion that there has been bad faith, not good faith, that the trusteeship was imposed to keep the entrenched group in power rather than for one of the allowable purposes." The court held the trusteeship invalid and ordered an election for the office of Secretary-Treasurer. Moreover, because the evidence had shown, as the court delicately put it, that the practice of electoral fraud had "continued into the period of the trusteeship," it directed that the election should be impartially supervised. When the Brotherhood and the Trustee appealed from these rulings, the U.S. Court of Appeals affirmed the district court on all points, holding that the evidence "amply justified" Judge Frankel's findings.[1]

The result is that, for the first time within the memory of modern man, the members of District Council No. 9 had a genuinely fair and honest election. There were, of course, further attempts to rig it. Immediately after Judge Frankel's decision was handed down, Damery sent out to all members, under the letterhead (and at the expense) of the District Council, a letter in which he completely twisted the court ruling, implying that the court had exonerated him and Rarback and the other officials of all charges. When the letter was produced in court, the attorneys for Damery and for the Brotherhood admitted that it was misleading, wrongful and likely to have an improper effect upon the election that was then in process. The court asked Damery's attorney to prepare a new letter correctly summarizing the court's decision and to send it out to the members. After two months of wrestling with this problem, Damery's attorney said that he didn't want to do that, because any such letter would require Damery to say, in effect, "Dear Brother: I am a liar." Damery asked the court for permission to send out instead, to every member, a copy of the court's full opinion, and the court agreed that he might do so. Perhaps Damery expected that ordinary working painters would not read the long and careful opinion in its entirety. If so, he was mistaken; the court's opinion, with its painstaking analysis of the true situation inside the District Council, was read and discussed in every one of the Council's 27 local unions.

The election proceeded, with a field of six anti-Rarback candidates being rather painfully reduced to one, namely Frank Schonfeld of Local Union 1011, so that when election day came around on September 16 the fight for the Secretary-Treasurer's office became a straight fight between Schonfeld and Rarback. Although Rarback's machine of foremen, superintendents, stewards, business agents and the favored "job trust" remained intact, it wasn't enough to stem the enormous wave of membership hostility toward his corrupt regime.

What has happened since then is anti-climactic. When Schonfeld was formally installed a few days after the election, he promised publicly to let "bygones be bygones" and to "work" with those rather numerous remnants of the Rarback regime who remained in office. And this was not mere oratory. He began an aggressive courtship of Raftery, Damery and such remaining Rarbackites as Assistant Secretary-Treasurer Morris Arber (whom he kept in his appointive office) and the other Rarback-allied business agents, one of whom he had defeated for re-election but actually re-appointed to serve as acting business agent. And to avoid conflict with these new-found friends, he began dumping the more outspokenly militant reformers among his allies and supporters.

There is at least some practical logic for his turnabout. Of the Council's 21 business agents, only two are anti-Rarback men. The delegates to the Council from the locals are almost all their pawns. The top officials of the Brotherhood were and are allied with Rarback and with the business agents against the rank and file reformers. The employers and such strategically placed sister unions as the Teamsters and Carpenters are much friendlier to the remnants of the Rarback regime than to the subsersive spirit of union democracy. Add to all this the absence of any organized group behind the new Secretary-Treasurer and you present a somewhat timid, though high-minded, new office-holder with cause for fear.

Before September 16 the future looked simpler. Militant union reformers were (as they still are) in the leadership of the large painters' local unions in the San Francisco area; rank and file movements were flourishing (as they still are) in such cities as Cleveland, Chicago, Pittsburgh and Washington. The insurgents in New York naturally looked to these fellow-reformers as their allies and hoped with their aid to democratize the Brotherhood and turn it into a genuine labor union. Solidarity seemed to be simple common

sense, until Schonfeld came into office himself. It was not until the new Secretary-Treasurer was elected that the dangers of his newly-responsible position became so frightening.

Where does this leave the reformers in other cities? That matter is not clearly determined as yet, except perhaps in Schonfeld's own mind. Accommodation to one's former enemy necessarily puts into question any continued alliance with one's former friend. It also puts some doubt upon the continued backing of one's former supporters. There is already an indication that Schonfeld has broken with, or intends to break with, the Active Painters' Club in Local 1011, which first set him on the path toward the Secretary-Treasurership; why shouldn't he also break with the militants on the West Coast? And when troubles break out within the District Council, in which direction will the new Secretary-Treasurer look for support?

Such questions may be troubling, but they are not the end of the story. Nor are they the whole of it thus far. In throwing Rarback out, and in thereby making full and dramatic use of the unique opportunity that Judge Frankel's decision had given them, the rank and file painters scored one of Labor's few genuine victories in recent decades. Even if the corrupt Rarback regime were to be replaced by another bureaucratic regime, almost as bad as it, the victory would remain an important one. We can only hope that the painters' continued struggle will lead, with or without the help of (and maybe against) the current administration, to a much more complete and significant victory.

October 1967

1. *Schonfeld* v. *Raftery*, 271 F. Supp. 128 (S.D.N.Y. 1967) affd. 381 F. 2d 446 (2nd Cir. 1967).

Rebel Voices in the NMU

HENRY SPIRA

The Land of Propaganda is built on unanimity. If one man says "No," the spell is broken and public order is endangered. The rebel voice must be stifled.

Ignazio Silone

Joseph Curran has been president of the National Maritime Union (NMU) since its inception 30 years ago; his name is hewn into the rock of the $7,200,000 Joseph Curran Building and the $5,900,000 Joseph Curran Annex; he is protected by an army of private guards; he draws an annual salary that has ranged, during the past few years, from $71,135 to $102,637, in addition to expenses; he has a telephone-equipped limousine bearing the license plate NMU-1, chauffered by a $15,688-a-year NMU "field patrolman"—and all this is taken from the pockets of 38,000 NMU seamen. But Curran is in a state of agitation because he hears rebel voices.

At the front entrance of the Joseph Curran Building, one of the monuments that Curran has dedicated to himself, there hangs a plaque which reads:

Joe Curran is a seaman who came ashore to lead the fight of seamen for a better life. He has dedicated his strength, courage and skill to this task. He has done more than any one man in history to give all seamen the chance for human dignity, economic security and first class citizenship.